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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/401,730 | 09/23/1999 | ENZO FEI | 3572-7 | 5060 |

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IPLM GROUP, PA
BROADWAY PLACE WEST
SUITE 6600
1300 GODWARD STREET NE
MINNEAPOLIS, MN 55413-1741

EXAMINER

LUU, THANH X

ART UNIT

PAPER NUMBER

2878

DATE MAILED: 08/21/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/401,730

Applicant(s)

FEI ET AL.

Examiner

Thanh X Luu

Art Unit

2878

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 June 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 and 22-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 5-17, 22 and 26-29 is/are allowed.
- 6) ☒ Claim(s) 1-4, 18 and 23-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☒ The proposed drawing correction filed on 04 June 2003 is: a) ☒ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

This Office Action is in response to amendments and remarks filed June 4, 2003.

Claims 1-18 and 22-29 are currently pending.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-4, 18 and 23-25 are rejected under 35 U.S.C. 102(b) as being anticipated by Komatsu (U.S. Patent 5,274,723).

Regarding claims 1-4, 18 and 23-25, Komatsu disclose (see Figures 2-4) a securing device for releasably connecting at least one optical fiber (12) to an optical apparatus (16), where the optical apparatus comprises at least one photo-element (see column 5, lines 16-20) mounted on a supporting element (31), the device including means for releasably connecting (18, 19) the at least one optical fiber in optical alignment with the at least one-photoelement, the at least one optical fiber being brought into contact with the at least one photo-element, wherein at least a part of the device (11 or 31; see also column 4, lines 10-12, column 5, lines 33-34) is made from a transparent material making a region of the optical alignment in contact coupling between the at least one optical fiber and the at least one photo-element externally visible. Komatsu further disclose (see Figure 3) a cover or the supporting element (31) is made from transparent material. That is, since the fiber and the photo-element are

coupled together in a housing, they are in contact.

Allowable Subject Matter

3. Claims 5-17, 22 and 26-29 are allowed over the prior art of record.

Response to Arguments

4. Applicant's arguments filed June 4, 2003 have been fully considered but they are not persuasive.

Regarding claims 1-4, 18 and 23-25, Applicant asserts that the fiber and the photo-element of Komatsu are not in contact. Applicant further asserts that Komatsu does not disclose contact coupling. Examiner disagrees. Since the fiber and the photo-element are coupled together in a housing, the elements are in contact or contact coupled. Examiner suggests using the terms --direct contact-- to distinguish over Komatsu.

Applicant also asserts that Komatsu does not disclose a coupling region that is externally visible. Examiner disagrees. In Figures 3 and 4 of Komatsu, elements 42 or 53 only partially covers the transparent member 31 (15 in Figure 2), the coupling region at 32 is still visible from a direction from numeral 31 or from numeral 34 through the transparent member 31. Therefore, the claimed invention remains anticipated by Komatsu.

Thus, as set forth above, this rejection is proper.

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

Art Unit: 2878


A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thanh X. Luu whose telephone number is (703) 305-0539. The examiner can normally be reached on Monday-Friday from 6:30 AM - 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Porta, can be reached on (703) 308-4852. The fax phone number for the organization where the application or proceeding is assigned is (703) 308-7722.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

txl
August 19, 2003



Thanh X. Luu
Patent Examiner